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EXAMINER

CHOW, CHARLES CHIANG

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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,780

Applicant(s)

NORTHCUTT ET AL.

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 10,21,44-47 and 51-53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

1. This office is for amendment received on 9/26/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 22-23, 25-28, 41, 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi (GB 2,380,908 A).

For claim 22, Hayashi teaches a method [steps in Fig. 3] to synchronize multi-media effects with an audio file in a mobile communications device [steps 306, 312, to synchronize of the music data with the light/vibration effect from LED 210/vibrator 211 of a mobile phone, abstract, Fig. 2],

the method comprising analyzing an audio file stored in memory of the mobile communications device [the controller 201 analyzes synchronizing data 501-503 & music indicating data 401-404, to determine the music data for synchronizing with LED or vibrator page 7, lines 5-28, Fig. 4-6; the play data in Fig. 4-5, stored in RAM of memory 202, as the audio file in memory]

to calculating synchronization information and synchronize a complementary multi-media effects in the mobile communication device [mobile phone in Fig. 2] with the audio file based on the calculated synchronizing information [the calculation of synchronizing information based on the analysis of the audio file having synchronization information, the

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play speed tempo 501, the 502/503 synchronization designation data for LED/vibrator, to calculate synchronization timing in order to turn on/off LED/vibrator at correct timing according to the music playing information 501-503, page 9, line 22 to page 10, line 15; & the controller 201 sets the play speed, tempo, based on tempo data 501 in step 315, Fig. 3/Fig. 6, page 8, lines 24-29, to synchronize the turning on/off of LED/vibrator according to the music playing speed].

For claim 23, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said information is timing information [the time information in tempo 501, the setting of tempo, playing speed, in page 8, lines 24-29].

For claim 25, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said processor [201] stores the synchronizing information in said memory [storing down loaded play data in RAM, which has synchronizing indicating data 501-503, 401-404].

For claim 26, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said processor generates a control signal during playback of the audio file to control the complementary multi-media effect according to the synchronizing information [the LED emits light based on the electrical signal generated from controller 201, page 6, lines 22-28].

For claim 27, Hayashi teaches the mobile phone communications device [Fig. 2], wherein the complementary multi-media effect comprises tactile feedback [vibrator 211], and said control signal controls a tactile feedback generator in synchronization with the synchronizing information [the controller 210 generates electrical signal to synchronize vibrator 211 to played music, page 6, lines 22-28].

For claim 28, Hayashi teaches the mobile phone communications device [Fig. 2], wherein the complementary multi-media effect comprises one or more lights [210] and

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said control signal controls the one or more lights in synchronization with the synchronizing information [the 201 generates electrical signal to emits light from Led 210 to synchronize with played music data specified in 403-404, page 6, lines 22-28].

For claim 41, Hayashi teaches a method of synchronizing one or more complementary multi-media effects [the synchronizing of the music data with vibrator 211, LED 210 in abstract] with an audio file [the memory 202, page 6, lines 1-7, has music identifier 403 & note number 404 in Fig. 4, page 9, 12-21] in a mobile communications device [mobile phone, page 1, lines 5-10],

the method comprising selecting a sample from an audio file stored in memory in a mobile communications device [the controller selects the music data contained in play data page 9, lines 3-11 & the indicating data 501-503 in Fig. 5; the indicating data in Fig. 4 contains the music identifier 403 & note number 404 in page 9, lines 5-21; stored in RAM of memory 202];

analyzing said sample [the 201 determines whether or not the music is contained in the play data S303, page 7, lines 5-15]

to calculating synchronization information; and synchronize the one or more complementary multi-media effects in the mobile communication device [mobile phone in Fig. 2] with the audio file based on the calculated synchronizing information [the calculation of synchronizing information based on the analysis of the audio file having synchronization information, the play speed tempo 501, the 502/503 synchronization designation data for LED/vibrator, to calculate synchronization timing in order to turn on/off LED/vibrator at correct timing according to the music playing information 501-503, page 9, line 22 to page 10, line 15; & the controller 201 sets the play speed, tempo, based on tempo data 501 in

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step 315, Fig. 3/Fig. 6, page 8, lines 24-29, to synchronize the turning on/off of LED/vibrator according to the music playing speed].

For claim 55, Hayashi teaches the further comprising the storing the synchronizing information in memory of the mobile communications device [the mobile phone downloading play data for storing in RAM, page 6, lines 1-7].

For claim 56, Hayashi teaches the wherein synchronizing the one or more complementary multi-media effects with the audio file [the synchronizing of LED, vibrator to music data in indicating data 403-404 of the play data in Fig. 5] comprises generating a control signal to the one or more multi-media effects based on the synchronizing information during playback of the audio file [the LED emits light based on the electrical signal generated from controller 201, page 6, lines 22-28].

For claim 57, Hayashi teaches a circuit [Fig. 2] comprising a microprocessor [controller 210] programmed to analyzing an audio stream [the program to be executed by controller 201, page 6 lines 1-3 & the step 306 in Fig. 3];

the calculating synchronization information based on the analysis of the audio stream [music note number information 404] and synchronize a complementary multi-media effects with audio stream during playback of the audio stream based on the calculated synchronizing information [the calculation of synchronizing information based on the analysis of the audio file having synchronization information, the play speed tempo 501, the 502/503 synchronization designation data for LED/vibrator, to calculate synchronization timing in order to turn on/off LED/vibrator at correct timing according to the music playing information 501-503, page 9, line 22 to page 10, line 15; & the controller 201 sets the play speed, tempo, based on tempo data 501 in step 315, Fig. 3/Fig. 6, page 8, lines 24-29, to synchronize the turning on/off of LED/vibrator according to the music playing speed].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Brenner et al. (US 2004/0139,842 A1).

For claim 1, Hayashi teaches a mobile communications device [mobile phone in Fig.2] comprising memory [RAM of 202] to store an audio file [the memory 202, page 6, lines 1-7, has stored play data which are synchronizing data, 501-503, music identifier 403 & note number 404 in Fig. 4, page 9, 12-21]; and

a processor [controller 201] to analyze the audio file [403-404, Fig. 4/steps in Fig. 3]; and

calculate synchronization information based on the analysis of the audio file; and to synchronize a complementary multi-media effects with the audio file based on the calculated synchronizing information [the calculation of synchronizing information based on the analysis of the audio file having synchronization information, the play speed tempo 501, the 502/503 synchronization designation data for LED/vibrator, to calculate synchronization timing in order to turn on/off LED/vibrator at correct timing according to the music playing information 501-503, page 9, line 22 to page 10, line 15; & the controller 201 sets the play

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speed, tempo, based on tempo data 501 in step 315, Fig. 3/Fig. 6, page 8, lines 24-29, to synchronize the turning on/off of LED/vibrator according to the music playing speed].

Hayashi fails to mention a wireless transceiver.

Brenner et al. [Brenner] teaches a wireless transceiver [the transmitter 310, receiver 308 in Fig. 3 for a cellular telephone, to synchronizing light groupings to different instruments with definition in audio file, abstract, paragraph 0025, 0011, 0039], in order to communicate with cellular network to received down loaded information, such as play data in Hayashi, Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hayashi with transmitter, receiver, in order to communicate with cellular network to down loading play data.

For claim 2, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said information is timing information [the time information in tempo 501, the setting of tempo, playing speed, based on play data in page 8, lines 24-29].

For claims 4, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said processor [201] stores the synchronizing information in said memory [storing down loaded play data in RAM, which has synchronizing indicating data 501-503, 401-404].

For claims 5, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said processor generates a control signal during playback of the audio file to control the complementary multi-media effect according to the synchronizing information [the LED emits light based on the electrical signal generated from controller 201, page 6, lines 22-28; sync data 502, 503].

For claims 6, Hayashi teaches the mobile phone communications device [Fig. 2], wherein the complementary multi-media effect comprises tactile feedback [vibrator 211], and said control signal controls a tactile feedback generator in synchronization with the

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synchronizing information [the controller 210 generates electrical signal to synchronize vibrator 211 to played music, page 6, lines 22-28, sync data 503].

For claims 7, Hayashi teaches the mobile phone communications device [Fig. 2], wherein the complementary multi-media effect comprises one or more lights [210] and said control signal controls the one or more lights in synchronization with the synchronizing information [the 201 generates electrical signal to emits light from Led 210 to synchronize with played music data specified in 403-404, page 6, lines 22-28].

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Brenner, as applied to claim 1 above, and further in view of Vandermeijden et al. (US 2004/0067,751 A1).

For claim 3, Hayashi teaches the mobile phone communications device [Fig. 2], but fails to teach the wherein said information is instrument type information.

Vandermeijden et al. [Vandermeijden] teaches the user can assign the sound of particular musical instrument to a group of callers, for the ring tone [paragraph 0025], of the mobile telephone for identifying different caller [abstract]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Hayashi with Vandermeijden's different distinct instrument sound for notifying the incoming call, in order to identify different caller.

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Brenner, as applied to claims 5 above, and further in view of Fredlund et al. (US 6,639,649 B2).

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For claim 8, Hayashi teaches the mobile phone communications device [Fig. 2], but fails to teach the wherein the complementary multi-media effect comprises a camera, and said control signal activates the camera to take a picture in synchronization with the synchronizing information.

Fredlund et al. [Fredlund] teaches these features [the camera 10; the generate a signal by analyzing stored audio to capture plurality of images in col. 3, lines 23-47; the synchronizing pleasing effect is created in accordance with played music beat in col. 1, lines 1-6], to creating a better effect by playing music while taking a picture. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi with the teachings from Fredlund, in order to provide better effect by playing music while taking a picture.

For claim 9, Hayashi teaches the mobile phone communications device in Fig. 2, but fails to teach the wherein the complementary multi-media effect comprises a video sequence, and said control signal controls a display to playback said video sequence in synchronization with the synchronizing information.

Fredlund teaches these features [the music analyzer analyzing stored audio for determining when to display a sequence of stored images according to the stored audio and a audio reproducer for playing the audio recording, col. 1, line 57 to col. 2, lines 7; display 50], using the same reason in claim 8 for combining Fredlund to Hayashi.

6. Claims 11-13, 15-18, 31-32, 35-38, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Shibata [US 2001/0023,197,197 A1] and Armanto et al. [US 6,094587].

For claim 11, Hayashi teaches a mobile communications device [Fig. 2] comprising

memory to store an audio file [the memory 202, page 6, lines 1-7, has synchronizing indicating data, 501-503 & music identifier 403 & note number 404 in Fig. 4, page 9, 12-21];

a processor to synchronize a complementary multi-media effect with the audio file based on the synchronizing information [the controller 201 makes a positive determination to synchronize the playing of music data with the LED, vibrator, turn-on/off, page 7, lines 20-25; S305-307; based on the synchronizing indicating data 401-404, 501-505; the synchronizing target type information 401, music source, music identifier & note number in 402-404, the sync data 501-503].

Hayashi fails to teach an interface to input synchronizing information regarding the audio file by a user of the mobile communication device.

Shibata teaches these features [the user can depresses input key 1-3, input interface, for entering & storing, of selected synchronizing melody to be played with incoming call, paragraph 0028-0030], for creating selected synchronizing melody to be played with incoming call. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi with Shibata's input keys for user to select different melody, to allow user to conveniently select different melody to be played when receiving incoming call.

Hayashi & Shibata fail to teach the receiving user-selected synchronization information to be associated with the audio file; and the associating of the user-selected synchronization information with the audio file.

Armanto et al. [Armanto] teaches the receiving user-selected synchronization information to be associated with the audio file; and the associating of the user-selected synchronization information with the audio file [the user can set tempo, music play speed, from user interface, keyboard or touch display, col. 13, lines 27-35 & user input device 16 in

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col. 9, lines 65-67, to associate the user selected tempo/music play speed with the ring tone audio file, ring tone stored in the memory, col. 14, lines 42-61], to improve Hayashi with user selected tempo speed via input interface, such that user could conveniently vary the synchronization of the audio file in order to synchronize a complementary multi-media effect, the on/off LED/vibrator, with the user selected synchronization information, tempo.

For claim 12, Hayashi teaches the mobile phone communications device in Fig. 2, but fails to teach the features for this claim. Shibata teaches the wherein said interface comprises a menu displaying the synchronizing information [the melody selection menu displayed on display 30 for user to make a selection of melody to be synchronized to incoming call, paragraph 0028], using the same reason in claim 11 to combining to Hayashi.

For claim 13, Hayashi teaches the mobile phone communications device in Fig. 2, wherein said information is timing information [the time information in tempo 501, the setting of tempo, playing speed, in page 8, lines 24-29].

For claim 15, Hayashi teaches the mobile phone communications device in Fig. 2, but fails to teach the wherein said processor stores the synchronizing information in said memory.

Shibata teaches these features [the control unit 140 conducts the incoming call setup process in paragraph 0027, & to stored the user selected melody into memory 80 for the incoming call, paragraph 0028], using the same reason in claim 11 as the motivation to combining to Hayashi.

For claim 16, Hayashi teaches the mobile phone communications device [Fig. 2], wherein said processor generates a control signal during playback of the audio file to control the complementary multi-media effect according to the synchronizing information

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[the LED emits light based on the electrical signal generated from controller 201, page 6, lines 22-28].

For claim 17, Hayashi teaches the mobile phone communications device [Fig. 2], wherein the complementary multi-media effect comprises tactile feedback [vibrator 211], and said control signal controls a tactile feedback generator in synchronization with the synchronizing information [the controller 210 generates electrical signal to synchronize vibrator 211 to played music, page 6, lines 22-28].

For claim 18, Hayashi teaches the mobile phone communications device [Fig. 2], wherein the complementary multi-media effect comprises one or more lights [210] and said control signal controls the one or more lights in synchronization with the synchronizing information [the 201 generates electrical signal to emits light from Led 210 to synchronize with played music data specified in 403-404, page 6, lines 22-28].

For claim 31, Hayashi teaches a method [steps in Fig. 3] of synchronizing one or more multi-media effects with an audio file in a mobile communications device [steps 306, 312, the synchronizing of the music data with LED 210, or vibrator 211, of a mobile phone, abstract, Fig. 2],

the method comprising synchronizing a complementary multi-media effect in the mobile communications device with the audio file based on the synchronizing information [the controller 201 makes a positive determination to synchronize music data playing with the LED, vibrator, turn-on/off, page 7, lines 20-25; S305-307; based on the synchronizing indicating data 401-404, 501-505; the synchronizing target type information 401, music source, music identifier & note number in 402-404, the sync data 501-503].

Hayashi fails to teach the user can selecting of the synchronizing information.

Shibata teaches the user can selecting of the synchronizing information regarding an audio file stored in memory of the mobile communications device [the user can select synchronizing information to select different melody to synchronizing with vibrator 90, paragraph 0029-0030], in order to provide better function to user with user selectable melody to synchronize the incoming call alert. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi with Shibata's user selectable melody, in order to provide better function to user with user selectable melody to synchronize the incoming call alert.

Hayashi & Shibata fail to teach the receiving user-selected synchronization information to be associated with the audio file; and the associating of the user-selected synchronization information with the audio file.

Armanto teaches the receiving user-selected synchronization information to be associated with the audio file; and the associating of the user-selected synchronization information with the audio file [the user can set tempo, music play speed, from user interface, keyboard or touch display, col. 13, lines 27-35 & user input device 16 in col. 9, lines 65-67, to associate the user selected tempo/music play speed with the ring tone audio file, ring tone stored in the memory, col. 14, lines 42-61], to improve Hayashi with user selected tempo speed via input interface, such that user could conveniently vary the synchronization of the audio file in order to synchronize a complementary multi-media effect, the on/off LED/vibrator, with the user selected synchronization information, tempo.

For claim 32, Hayashi fails to teach the features in this claim.

Shibata teaches wherein selecting information regarding an audio file comprises displaying a menu option to a user of the mobile communications device [cellular phone in Fig. 1, the displaying melodies in display 30 for user to select, oo28], said menu option

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comprising synchronizing information to be associated with the audio file [the vibrator on/off synchronizing information is associated with the melody in memory 80, paragraph 0029-0030].

For claim 35, Hayashi teaches the further comprises storing the synchronizing information in memory [the down loading of play data & storing in to RAM of memory 202, page 6, lines 1-7].

For claim 36, Hayashi teaches wherein synchronizing a complementary multi-media effect comprises generating a control signal during playback of the audio file to control the complementary multi-media effect according to the selected synchronizing information [the LED emits light based on the electrical signal generated from controller 201, page 6, lines 22-28; sync data 502, 503].

For claim 37, Hayashi teaches the further comprising controlling a tactile feedback generator in synchronization with the selected synchronizing information [the controller 210 generates electrical signal to synchronize vibrator 211 to played music, page 6, lines 22-28, sync data 503]..

For claim 38, Hayashi teaches the further comprising controlling one or more lights in synchronization with the selected synchronizing information [the sync data 502 for synchronizing music data 401-404 with LED on/off].

For claim 54, Hayashi fails to teach the features in this claim. Shibata teaches the method further comprising overwriting selected information in the audio file with the synchronizing information [the overwriting selected indicating "1 ON", "2 OFF", in to memory 80, for synchronizing melody with vibration, or different screens 30, paragraph 0029-0033], using the same reasoning in claim 31 for combining with Hayashi.

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7. Claims 14, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Shibata, Armanto, as applied to claims 11, 32 above, and further in view of Vandermeijden-'751 A1.

For claim 14, Hayashi teaches the mobile phone communications device in Fig. 2.

Hayashis & Shibata fail to teach further features in this claim 1.

Vandermeijden teaches the wherein said information is instrument type information [the user can assign the sound of particular musical instrument to a group of callers, for the ring tone, paragraph 0025], of the mobile telephone for identifying different caller [abstract]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Hayashi with Vandermeijden's different distinct instrument sound for notifying the incoming call, in order to identify different caller.

For claim 34, Hayashi fails to teach further features in this claim. Shibata teaches the menu selection of melody. Shibata fails to teach further features for this claim.

Vandermeijden teaches the list of instrument types [the different musical instrument for different callers for synchronizing to ring tone, paragraph 0025], in order to upgrade the function with the feature to allow user to select different instrument sound for playing back for the incoming callers. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi, Shibata's menu selection with Vandermeijden's different instrument, in order to provide choice to allow user to select different instrument sound to differentiate incoming call.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Vandermeijden-'751 A1.

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For claim 24, Hayashi teaches the mobile phone communications device in Fig. 2, but fail to teach the wherein said information is instrument type information [the user can assign the sound of particular musical instrument to a group of callers, for the ring tone, paragraph 0025], of the mobile telephone for identifying different caller [abstract]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Hayashi with Vandermeijden's different distinct instrument sound for notifying the incoming call, in order to identify different caller

9. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Fredlund-'649 B2.

For claim 29, Hayashi teaches the mobile phone communications device in Fig. 2, but fail to teach the wherein the complementary multi-media effect comprises a camera, and said control signal activates the camera to take a picture in synchronization with the synchronizing information.

Fredlund teaches these features [the camera 10; the generate a signal by analyzing stored audio to capture plurality of images in col. 3, lines 23-47; the synchronizing pleasing effect is created in accordance with played music beat in col. 1, lines 1-6], to creating a better effect by playing music while taking a picture. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi with the teachings from Fredlund, in order to provide better effect by playing music while taking a picture.

For claim 30, Hayashi teaches the mobile phone communications device in Fig. 2, but fails to teach the wherein the complementary multi-media effect comprises a video

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sequence, and said control signal controls a display to playback said video sequence in synchronization with the synchronizing information.

Fredlund teaches these features [the music analyzer analyzing stored audio for determining when to display a sequence of stored images according to the stored audio and a audio reproducer for playing the audio recording, col. 1, line 57 to col. 2, lines 7; display 50], using the same reason in claim 29 for combining Fredlund to Hayashi.

10. Claims 19-20, 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Shibata, Armanto, as applied to claims 16, 36 above, and further in view of Fredlund-'649.

For claims 19, 39, Hayashi teaches the mobile phone communications device in Fig. 2. Hayashi & Shibata fail to teach the wherein the complementary multi-media effect comprises a camera, and said control signal activates the camera to take a picture in synchronization with the synchronizing information.

Fredlund teaches these features [the camera 10; the generate a signal by analyzing stored audio to capture plurality of images in col. 3, lines 23-47; the synchronizing pleasing effect is created in accordance with played music beat in col. 1, lines 1-6], using the same reason for Fredlund in claim 29 above to combine with Hayashi & Shibata.

For claims 20, 40, Hayashi teaches the mobile phone communications device in Fig. 2. Hayashi & Shibata fail to teach wherein the complementary multi-media effect comprises a video sequence, and said control signal controls a display to playback said video sequence in synchronization with the synchronizing information.

Fredlund teaches these features [the music analyzer analyzing stored audio for determining when to display a sequence of stored images according to the stored audio and

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a audio reproducer for playing the audio recording, col. 1, line 57 to col. 2, lines 7; display 50], using the same reason in claim 29 for combining Fredlund to Hayashi & Shibata.

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Shibata, Armanto, as applied to claim 32 above, and further in view of Aoki et al. (US 5,763,802).

For claim 33, Hayashi teaches the timing signature [the time information in tempo 501 for setting of tempo, playing speed, based on the different speed of play data in page 8, lines 24-29, for the timing signatures], & Shibata teach the menu option for the selection of melody for synchronizing to vibrator, lamp, but fails to teach the menu option comprising a list timing signatures.

Aoki et al. [Aoki] teaches the sound timing pattern as the list of timing signature [T1-Tm+1 in Fig. 2, col. 3, line 56 to col. 4, line 21], in order to identify a sound section [abstract]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi, Shibata's menu selection with Aoki's listing of sound timing patterns, in order to provide better features to allow user to select sound timing pattern.

12. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Aoki-'802.

For claim 42, Hayashi fails to teach the wherein analyzing said sample to determine synchronizing information [the analyzing music data in indicating data 401-404, for determine the synchronizing music data], but fail to teaches comprises sectioning said

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sample into a plurality of measures, each said measure comprising an equivalent number of notes.

Aoki teaches these features [the search a sound pattern via chord analysis of each divided sound performance section, sample, which has a predetermined number of beats, col. 1, line 58 to col. 2, line 6, Fig. 2-6; the predetermined number of beats is the equivalent number of notes in the measure], in order to identify a sound section [abstract]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi with Aoki's predetermined number of beats in the performance section, in order to identify the music data.

For claim 43, Hayashi teaches the controller 201 to determined the synchronizing information as shown in claim 1, but fails to teach the wherein analyzing said sample determine the notes that occur within a desired beat in each said measure.

Aoki teaches these features [the analyzing divided section of the performance data & comparing the harmonic tone associated with the sound pattern S1-S4, for identifying a sound pattern in col. 7, lines 10-33; the predetermined number of beats in col. 1, line 58 to col. 2, line 6], using the same reason for Aoki in clam 42 above to combine with Hayashi.

13. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Adams (US 2003/0017,808 A1).

For claim 48, Hayashi teaches the mobile phone communication device in Fig. 2 & the analyzing sample to calculate the synchronizing information 502-502, 401-404, in claim 22 above, but fails to teach the sampling the output of a MIDI synthesizer.

Adams teaches the sampling the output of a MIDI synthesizer [the processor GPP 12 parses the MIDI output stream into synthesis packets for outputting audio signal via DAC 16,

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paragraph 0019, Fig. 1-2], for the low cost 3G wireless phone [0016]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hayashi with Adams' processing the output of MIDI data for audio synthesis, in order to reduce the cost.

14. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Adams, as applied to claim 48 above, and further in view of Fujiwara et al. (US 6, 800,799 B2).

For claim 49, Hayashi teaches the mobile phone communication device in Fig. 2 & the analyzing sample to determine the synchronizing information 502-502, 401-404. Hayashi & Adams fail to teach the detecting a peak amplitude within said sample.

Fujiwara teaches these features [the detecting of the peaks of audio signal AL1 during playback, for synchronization, in col. 12, lines 18-27; the applying threshold TH1 to audio peaks in col. 13, lines 16-20], in order to synchronize the timing of the audio playing back [abstract]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Hayashi, Adams with Fujiwara's peak detecting, threshold, in order to synchronize the timing of the audio playing back

For claim 50, Hayashi teaches the mobile phone communication device in Fig. 2 & the analyzing sample to determine the synchronizing information 502-502, 401-404. Hayashi & Adams fail to teach the comparing said detected peak amplitude to a threshold value [the detecting of the peaks of audio signal AL1 during playback, for synchronization, in col. 12, lines 18-27; the applying threshold TH1 to audio peaks in col. 13, lines 16-20], using the same reason in claim 49 for Fujiwara to combine with Hayashi & Adams.

Claims Objection

15. Claims 10, 21, 44-47, 51-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding **claims 10, 21**, the cited prior arts in below fail to teach the system interface to control an external device connected via the system interface according to the synchronizing information.

For claim 44, the cited prior arts in below fail to teach the analyzing said sample to determining synchronizing information further comprising calculating weight value by summing a velocity parameter of a corresponding note-on event for each said note that occurs within said desired beat in each said measure.

For claim 45, the cited prior arts in below fail to teach the wherein analyzing said sample to determine synchronizing information comprises calculating a first value and a second value based on a first candidate time signature and a second candidate time signature, respectively. **Claims 46-47** are objected to due to their dependency upon objected claim 45.

For claim 51, the cited prior arts in below fail to teach the wherein synchronizing the one or more complementary multi-media effects with the audio file comprises generating a control signal based on the comparison of said detected peak amplitude and said threshold value.

For claim 52, the cited prior arts in below fail to teach the wherein synchronizing the one or more multi-media effects with the audio file varying the intensity of the one or more complementary multi-media effects based on the comparison of said detected peak amplitude and said threshold value.

For claim 53, the cited prior arts in below fail to teach the wherein synchronizing the one or more complementary multi-media effects comprises varying the duration of activation of

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the one or more complementary multi-media effects based on the comparison of said detected peak amplitude and said threshold value.

The following is the cited prior arts considered:

Hayashi, Shibata, Brenner, Vandermeijden, Fredlind, Aoki, Adams, Fujiwara, Futamase, Armanto et al. (Us 6,094,587), Chung (US 2003/0162,571 A1), Nishitani (US 2003/0045,274 A1), Matsuda et al. (US 2001/0014,616 A1), Ito (US 6,597,928 B2), Kawasaki et al. (US 2002/0142,810 A1), Kim (US 6,278,884 B1), Brown et al. (US 2005/0190,199A1).

Response to Argument

16. Applicant's arguments with respect to claims 1-57 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment in independent claims 1, 11, 22, 31, 41, 57 & dependent claims 46, 48, based on the no teaching of the features for

the calculating synchronizing information based on the analysis of the audio file and synchronize a complementary multi-media effect with the audio file based on the calculated synchronizing information; the receiving user-selected synchronization information to be associated with the audio file ;and the associating of the user-selected synchronization information with the audio file,

Hayashi-'908A does teach the calculating synchronization information based on the analysis of the audio file and synchronize a complementary multi-media effect with the audio file based on the calculated synchronizing information [the calculation of synchronizing information based on the analysis of the audio file having synchronization information, the play speed tempo 501, the 502/503 synchronization designation data for LED/vibrator, to calculate synchronization timing in order to turn on/off LED/vibrator at correct timing

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according to the music playing information 501-503, page 9, line 22 to page 10, line 15; & the controller 201 sets the play speed, tempo, based on tempo data 501 in step 315, Fig. 3/Fig. 6, page 8, lines 24-29, to synchronize the turning on/off of LED/vibrator according to the music playing speed].

Armanto et al. [US 6,094,587] teaches the receiving user-selected synchronization information to be associated with the audio file ; and the associating of the user-selected synchronization information with the audio file [the user can set tempo, music play speed, from user interface, keyboard or touch display, col. 13, lines 27-35 & col. 9, lines 65-67], to improve Hayashi with user selected tempo speed via input interface, such that user could conveniently vary the synchronization of the audio file in order to synchronize a complementary multi-media effect, the on/off LED/vibrator, with the user selected synchronization information, tempo.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *cc*

May 11, 2007.


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